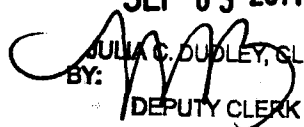


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

SEP 03 2014

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

BARBARA B. MARASH,

Plaintiff,

v.

PITT-OHIO EXPRESS, LLC, et al
Defendants.

CASE NO.: 5:14 CV 00046

NOTICE OF REMOVAL

Petitioner/Defendant, Pitt-Ohio Express, LLC, by its undersigned attorneys, pursuant to 28 U.S.C. §1441 *et. seq.*, files this Notice of Removal of this action from the Circuit Court for Rockingham County, Virginia, in which it is now pending, to the United States District Court for the Western District of Virginia, and in support thereof respectfully avers as follows:

1. Petitioner has been named as a Defendant in a suit filed in the Circuit Court for Rockingham County, Case No.: 165CL13002525-00. Suit was originally filed on September 23, 2013, and the Petitioner/Defendant was originally served on or about August 25, 2014.
2. That Defendant, Pitt-Ohio Express, LLC, is incorporated and has its principal place of business in the state of Pennsylvania.
3. On information and belief of this party, Defendant, Gary Dewayne Resh is a resident of the state of Pennsylvania. As of the date of this Notice, Defendant Gary Dewayne Resh, has not yet been served.
4. The above-entitled action is one in which this Court has original jurisdiction pursuant to Title 28 U.S.C. §1332. Petitioner seeks to remove this action to this Court under Title 28 U.S.C. §1441.

5. Filed herewith are copies of the Summons for Pitt-Ohio Express, LLC (Exhibit1), Complaint (Exhibit2), Defendant Pitt-Ohio Express, LLC's Answer and Affirmative Defenses (Exhibit 3).

6. The above-entitled matter is a civil action in which the Plaintiff alleges negligence on the part of the Petitioner.

7. Petitioner is entitled to removal because there is complete diversity of citizenship between the Plaintiff and Defendants and the amount in controversy exceeds \$75,000. Plaintiff is a citizen of the State of Virginia. Defendant, Pitt-Ohio Express, LLC, is incorporated and has its principal place of business in the state of Pennsylvania. Defendant, Gary Dewayne Resh is a resident of the state of Pennsylvania. Plaintiff's Complaint seeks judgment in the amount of \$1,750,000.00.

8. All served Defendants consent to removal.

WHEREFORE, Petitioner/Defendant, Pitt-Ohio Express, LLC, respectfully requests that the above-entitled action be removed from the Circuit Court for Rockingham County, Virginia to the United States District Court for the Western District of Virginia.

Respectfully Submitted,
PITT-OHIO EXPRESS,LLC.
By Counsel

/s/

Helen D. Neighbors
Virginia Bar Number 48607
Attorneys for Petitioner/Defendant
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Hneighbors@FandPnet.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing, Defendant Pitt-Ohio Express, LLC. NOTICE OF REMOVAL has been served upon the following counsel of record on this 29th day of Augusts, 2014 first-class mail, postage prepaid to:

Daniel R. Lauro
Kevin M. Rose
BotkinRose PLC
3190 Peoples Drive
Harrisonburg, VA 22801
Counsel for Plaintiff.

_____/s/_____
Helen D. Neighbors, Esquire